

### **Remarks**

Claims 1-21, 26-36, and 38-51 were pending in the application. Claims 1, 5, 26, 28, 29, 30, 45, 48, 49, and 51 have been amended. Claims 55-61 have been added. Claims 1-21, 26-36, 38-51 and 55-61 therefore are pending in the application.

### **Objection to the Drawings**

The Examiner objected to the drawings stating: “New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 2-16, 20, and 23 require legend. (Office Action mailed 7/23/07, page 2).” Applicant respectfully requests clarification of the Examiner’s request. Applicant called Supervisory Examiner Nasser R. Moazzami on 10/19/2007 (after hearing the voice mail of Examiner Shiferwa noting she was out of the office) and Examiner Moazzami, after reviewing the Office Action mailed 7/23/07 and the Applicant’s drawings was also unsure as to what the objection means. Examiner Moazzami noted the Applicant should request clarification of the objection in the response to the Office Action. Applicant respectfully notes that a legend of “Prior Art” would not be appropriate on these figures as the figures noted by the Examiner are not prior art. Furthermore, several of the figures noted by the Examiner include labeled elements, and, therefore, “legend” is not believed to mean labeling. Applicant respectfully requests clarification of the Examiner’s objection.

### **35 U.S.C. §101 Rejections**

The Examiner rejected claims 26-36 and 38-51 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully disagrees with these rejections. For example, claim 26 recites, in part, “A computer system comprising... a first host system... a second host system...” and “an administrator system...,” all of which are statutory subject matter. Furthermore, claim 48 recites, in part, “A computer system comprising a plurality of host subsystems and a management subsystem,” all of which are also statutory subject matter. As stated in the MPEP §2106:

To properly determine whether a claimed invention complies with the statutory invention requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim falls within at least one of the four enumerated categories of patentable subject matter recited in section 101 (i.e., process, machine, manufacture, or composition of matter)...

For example, a claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine... (MPEP §2106, B).

Applicant respectfully submits claims 26, 48 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejections to claims 26, 48, and claims dependent thereon.

### **35 U.S.C. §103 Rejections**

#### **Claims 1-13, 18-21, 26-36, 38-39, and 44-51**

The Examiner rejected claims 1-13, 18-21, 26-36, 38-39, and 44-51 under 35 U.S.C. 103(a) as being unpatentable over Bell, et al. (U.S. Patent No. 5,917,997) (hereinafter Bell) in view of Weir (U.S. Patent No. 4,814,982) (hereinafter “Weir”). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Bell and Weir do not disclose, teach, or suggest, either separately or in combination, at least “an administrator system... passing the **additional** host identity to the first host system; the first host system **reconfiguring itself to use the additional host identity**” as recited in claim 1.

The Examiner points to Bell, col. 3, lines 12-35 for this teaching, however, **Bell does not discuss using additional host identities either in the Examiner cited section or in the rest of Bell.** For example, Bell does not even appear to suggest the first host system using an additional host identity. Applicant further asserts Weir also does not teach at least this element.

Furthermore, Bell and Weir also do not disclose, teach, or suggest, either separately or in combination, at least “the second host system **reconfiguring itself to use the first host identity**” as recited in claim 1. Bell teaches:

Should the host upon which the virtual IP address reside fail, then the virtual IP address can be configured **by a systems administrator** to reside on a backup host. (emphasis added) (Bell, col. 2, lines 23-25).

When **the operator** of an alternate host, in this case MVS\_2 (103), learns that the original host, MVS\_1 (101) has stopped working or has been taken out of service, **he** dynamically configures the VIPA address (VIPA\_A) which previously resided on host MVS\_1 to now reside on MVS\_2. (emphasis added) (Bell, col. 2, lines 48-53).

Bell does not disclose a **host system reconfiguring itself**. With respect to Weir, the Examiner points to Weir for the teaching of “assigning a new processor identity code to a processor in a multi-processing system (Office Action mailed 7/23/07, page 4).” However, Weir does not teach assigning a new processor identity code to a processor either in the Examiner’s cited passages of Weir or in the rest of Weir. Weir teaches providing a guardian RAM with the identities of processors assigned to new tasks (Weir, col. 5, lines 47-52). Weir does not teach or suggest assigning a processor a new identity code. Weir also does not teach at least “the administrator system passing the first host identity to the second host system” or “the second host system reconfiguring itself to use the first host identity” as recited in claim 1. Applicant respectfully asserts claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

Similarly, Bell and Weir do not disclose, teach, or suggest, either separately or in combination, at least “the administrator system is operable to connect to the first host system and to pass the additional host identity to the first host system; the first host system is operable to reconfigure itself to use the additional host identity...” or “the second host system is operable to reconfigure itself to use the first host identity” as recited in claim 26. Applicant respectfully asserts claim 26 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 26 and claims dependent thereon.

Bell and Weir do not disclose, teach, or suggest, either separately or in combination, at least “where a new host identity is to be allocated to a host subsystem, the management subsystem is operable to allocate a spare host identity to the host subsystem” as recited in claim 48. Neither Bell nor Weir teach or suggest **allocating a spare host identity** to a host subsystem. The Examiner states “Bell et al. fails to disclose the reallocation identity being a spare identity. (Office Action mailed 7/23/07, page 6).” While the Examiner points to Weir for the teaching of a spare identity, Applicant respectfully asserts Weir does not disclose a spare identity. Weir teaches:

WRITE access to any given memory segment is allowed only after the processor/bus identity has been compared with the processor identity code stored in the RAM for that segment. (Weir, col. 2, lines 46-49).

Weir does not teach assigning a new processor identity code to a processor as noted by the Examiner or allocating a spare host identity. For example, Weir does not even appear to disclose spare host identities. Applicant respectfully asserts claim 48 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 48 and claims dependent thereon.

Claims 14-16 and 40-42

The Examiner rejected claims 14-16 and 40-42 under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Weir and further in view of Antes, et al. (U.S. Patent No. 6,941,366) (hereinafter "Antes"). Applicant respectfully disagrees with these rejections.

Applicant respectfully asserts claims 14-16 and 40-42, dependent on patentably distinct claims 1 and 26, respectively, are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to the claims.

#### Claims 17 and 43

The Examiner rejected claims 17 and 43 under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Weir and further in view of Redding et al. (U.S. Patent No. 7,035,918) (hereinafter "Redding"). Applicant respectfully disagrees with these rejections.

Applicant respectfully asserts claims 17 and 43, dependent on patentably distinct claims 1 and 26, respectively, are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to the claims.

#### Dependent Claims

The rejection of numerous dependent claims is also further unsupported by the teachings of the cited art. However, since the rejection of the independent claims has been shown to be improper, a further discussion of the rejection of the dependent claims is not necessary at this time.

#### New Claims

Applicant respectfully submits the cited art does not disclose, teach, or suggest at least the elements of new claims 55-61.

**CONCLUSION**

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

No fees are believed necessary; however, if any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5681-71100/BNK.

Respectfully submitted,

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